**THE HONOURABLE MR JUSTICE C.V.RAMULU**

**WRIT PETITITON No.17378 of 2000**

**Dated : 25th August, 2005**

**Between:**

Smt.P.Andalu, W/o.late Sri P.Lingam,

E.34234, Cleaner of Hakimpet Depot,

Aged about 38 years, R/o.1-14-140,

Balamrai, Secunderabad.

And

The A.P.S.R.T.C., rep by its,

Managing Director,

Musheerabad, Hyderabad and others.

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**WRIT PETITION No : 17378 of 2000**

**ORDER:**

The petitioner seeks compassionate appointment in A.P.S.R.T.C., on the ground that her husband P.Lingam, while working as a Cleaner at Hakimpet Depot, died in harness on 15-10-1998.

The 2nd respondent issued proceedings dated 23-3-1999 wherein it is stated that there is no recruitment to the post of Sweeper and hence, her request for providing employment to the post of the Sweeper is not entertainable. However, she is also not eligible for employment in A.P.S.R.T.C., to any post on compassionate grounds since she does not have requisite qualifications. Therefore, she was directed to claim for payment of additional monetary benefits in lieu of employment.

The learned counsel for the petitioner has relied upon the judgment reported in **A.P.S.R.T.C. and another v. Smt.Abidha Khanam** and drawn attention of Court to Para No.6 of the Judgment, which reads as hereunder:-

> *"The learned counsel for the Corporation relied on **A.P.S.R.T.C.,and others vs. Kaiser Begum** in order to contend that no order for creating special post or for appointment on compassionate ground in violation of the ban can be passed. The observations have been made in the facts and circumstances of that case wherein a direction was issued for creation of a supernumerary post or a post when there was no post available with the authorities, which is*

*not the case in hand. There is no averment that there is no post available. The only argument advanced is that there being a ban no appointment even on compassionate ground can be made. There is no additional financial liability. There are sanctioned posts. The work exists. Necessity for cleanliness in the Corporation, which should be the foremost motive of the Corporation, exists. The job of a sweeper or attender is primal in nature, which cannot be dispensed with on mere excuse that there is a ban especially when the appointment sought is on compassionate ground, which is an exception to the general rule of recruitment. Right to life and food cannot be rendered otiose especially when the Corporation itself has floated a scheme of compassionate appointment. The just expectations of the employees cannot be permitted to be rendered otiose and make the people live in hallucination that in case of death of the employee in harness, his dependents will be taken care of on compassionate grounds."*

and also drawn the attention of this Court to Para No.8 of the Judgment reported in **A.P.S.R.T.C and another v. P.Bala Tripura Sundari,** which reads as hereunder:-

> "As observed supra, the Governmental authorities are continuing the ban orders for decades, while a scheme promulgated by the Corporation for compassionate appointments of the dependants of the employees died in harness is very much in that scheme is on the statue book, the respondent authorities are expected to give them, intended to help the family in distress by giving employment to earn the bread to the family."

and submitted that the respondent authorities have not provided employment to the petitioner on the ground that there is a ban of recruitment and that she is not eligible for the post of Sweeper, and there is no recruitment to the post of Sweeper. In fact, similarly placed persons were considered for the post of Cleaner and Shramik as per the directions issued by this Court. There is no dispute as to this fact.

But, the learned counsel for the respondents contends that since there is a ban of recruitment and the petitioner does not possess any educational qualifications, she was not appointed for any suitable post and therefore, she was directed to claim additional monetary benefits in lieu of the employment.

In the circumstances, I am of the considered opinion that in the light of the above reported two judgments of this Court, the request of the petitioner was not considered, if not for Sweeper, at least for the post of Cleaner or Shramik, for which no educational qualifications are necessary. Therefore, the respondents are directed

to consider petitioner's case as per the regulations applicable, as on the date of death of her husband, if necessary by waiving the educational qualifications since the post to which the petitioner seeks employment requires neither expertise nor any skill and pass appropriate orders, within a period of two months from the date of the receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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**(C.V.RAMULU, J.)**

Dated 25th August, 2005.

mrb